



**TOWN OF BLUFFTON
BOARD OF ZONING APPEALS MEETING AGENDA
ELECTRONIC MEETING**

Tuesday, April 6, 2021, 6:00 PM

PUBLIC COMMENT

Public comments will be received via conference line provided by Staff. All requests for public hearing or public comment will be accepted up to two (2) hours prior to the scheduled meeting start time.

This meeting can be viewed on the Town of Bluffton's Facebook page
<https://www.facebook.com/TownBlufftonSC/>

I. CALL TO ORDER

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Board of Zoning Appeals will not hear new items after 9:30 P.M. unless authorized by a majority vote of the Board Members present. Items which have not been heard before 9:30 P.M. may be continued to the next regular meeting or an additional meeting date as determined by the Board Members.

IV. NOTICE REGARDING PUBLIC COMMENTS*

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Board, Town Staff, and other members of the meeting. State your name and address when speaking for the record.
COMMENTS ARE LIMITED TO THREE (3) MINUTES.

V. ADOPTION OF THE AGENDA

VI. ADOPTION OF MINUTES – October 6, 2020

VII. PUBLIC COMMENTS*

VIII. OLD BUSINESS

IX. NEW BUSINESS

1. FOR ACTION

- A. K1-Speed (Administrator Appeal):** A request by NLM Services, LLC for an Administrative Appeal of the Unified Development Ordinance Administrator's interpretation of the Belfair Planned Unit Development (PUD) – Section IV. Development Plan, A. Land Uses, 6. Neighborhood Commercial – Prohibited Uses, which lists Go-Cart Racing Facility. The property is located at 71 Towne Drive and is identified Beaufort County Tax Map Number R610 031 000 0785 0000. The property is zoned Belfair Planned Unit Development (ZONE-03-21-015089). (Staff-Heather Colin)

X. DISCUSSION

XI. ADJOURNMENT

*Public Comments may be submitted electronically via the Town's website at (<https://bit.ly/TOBPublicComment>) or by emailing your comments to the Growth Management Coordinator at dmclain@townofbluffton.com. Comments will be accepted up 2 hours prior to the scheduled meeting start time. All comments will be read aloud for the record and will be provided to the Board of Zoning Appeals Committee.

NEXT MEETING DATE: Tuesday, May 4, 2021

Public Comments may be submitted electronically via the Town's website at (<https://bit.ly/TOBPublicComment>) or by emailing your comments to the Growth Management Coordinator at dmclain@townofbluffton.com. Comments will be accepted up to 2 hours prior to the scheduled meeting start time. All comments will be read aloud for the record and will be provided to the Historic Preservation Committee.

"FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

EXECUTIVE SESSION - The public body may vote to go into executive session for any item identified for action on the agenda.

Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

TOWN OF BLUFFTON BOARD OF ZONING APPEALS
Electronic Meeting

Tuesday, October 6, 2020, Minutes

Present: Stephan Halpern; Gerald Workman; Lawrence Garrison; Daniel Grove;
Steve Wallace;

Staff: Darby McLain, Growth Management Coordinator; Alan Seifert, Senior
Planner;

I. CALL TO ORDER

Chairman Halpern called the meeting to order at 6:00 p.m.

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Board of Zoning Appeals will not hear new items after 9:30 P.M. unless authorized by a majority vote of the Commission Members present. Items which have not been heard before 9:30 P.M. may be continued to the next regular meeting or an additional meeting date as determined by the Board Members.

IV. NOTICE REGARDING PUBLIC COMMENTS

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Commission, Town Staff, and other members of the meeting. State your name and address when speaking for the record. **UNLESS OTHERWISE AMENDED BY THE Board of Zoning Appeals, COMMENTS ARE LIMITED TO THREE (3) MINUTES.**

V. ELECTION OF OFFICERS

1. Chair

Board member Garrison made a motion to keep the current Chairman on, Stephen Halpern. Board member Grove seconded the motion. All were in favor and the motion passed.

2. Vice-Chair

Chairman Halpern made a motion to appoint Daniel Grove as Vice Chairman. Board member Garrison seconded the motion. All were in favor and the motion passed.

VI. ADOPTION OF THE AGENDA

Vice Chairman Grove made a motion to adopt the October 6, 2020 Board of Zoning Appeals Agenda. Board Member Workman seconded the motion, all were in favor and the motion passed.

VII. ADOPTION OF MINUTES – June 16, 2020

Board Member Workman made a motion to approve the adoption of the June 16, 2020 minutes, Vice Chairman Grove seconded the motion. All were in favor and the motion passed. Board Member Wallace abstained due to absence from the last meeting.

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

No Public Comments

IX. OLD BUSINESS

No Old Business

X. NEW BUSINESS

FOR ACTION

- A. River Buffer Variance Request (114 Pritchard St.):** A request by Andrew Fishkind on behalf of P. Ellen Malphrus, owner, for a forty-two (42) foot variance to the required one hundred (100) foot river buffer from the South Carolina Office of Ocean and Coastal Management (OCRM) Critical Line to allow a river buffer of fifty-eight (58) feet, as required by Unified Development Ordinance Sec. 5.5.2, to allow an addition to an existing residence. The property is identified by Beaufort County Tax Map Number R610 039 00A 0054 0000 and is located at 114 Pritchard Street. The property is zoned Neighborhood Conservation-Historic District (HD) (ZONE-09-20-014539). (Staff-Alan Seifert)

Staff member Alan Seifert presented noting that applying the 100-foot river buffer would prevent the applicant from completing an addition to the existing home to accommodate the size of their family. The need for a variance to reduce to 100-foot river buffer is a result of the requirements at the time of construction and not the result of the applicant's actions. The applicant purchased this property in 1994 before the adoption of the river buffer requirement, which was first adopted in 2000. The applicant also provided signatures of adjacent neighbors in support of the application.

Chairman Halpern asked why staff did not give a recommendation on this project. Staff member Seifert said it was unnecessary and that is not out of the ordinary for The Town to not provide a recommendation on a variance.

Board member Garrison made a motion to approve the application as presented. Board member Workman seconded the motion. All were in favor and the motion passed.

XI. ADJOURNMENT

Board Member Garrison made a motion to adjourn The October 6, 2020 Board of Zoning Appeals meeting, Board Member Grove second the motion and the meeting adjourned at 6:30 p.m.

DRAFT

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

| | |
|-------------------------|---|
| MEETING DATE: | April 6, 2021 |
| PROJECT: | K-1 Speed Bluffton – Belfair Planned Unit Development (PUD) – Administrative Appeal |
| PROJECT MANAGER: | Heather Colin, AICP Director of Growth Management |

APPLICATION REQUEST: The Applicant, Paul McBride, of NLM Services, LLC on behalf of the property owner, BRI Mariner Belfair II, LLC, is appealing the decision of the UDO Administrator to determine that the proposed K-1 Speed franchise is not a permitted use for the former Steinmart location located at 71 Towne Drive within the Belfair PUD.

ZONE-03-21-015089 – K-1 Speed. The Applicants are requesting an Administrative Appeal of the Town of Bluffton Director of Growth Management’s interpretation of the Belfair Planned Unit Development (PUD) – Section IV. Development Plan, A. Land Uses, 6. Neighborhood Commercial – Prohibited Uses, which lists Go-Cart Racing Facility (See Attachment 1).

INTRODUCTION: The subject property is approximately 2.48-acres located at 71 Towne Drive in the Belfair PUD and is identified as Beaufort County Tax Map Number R610 031 000 0785 0000 (See Attachment 2).

The Applicant, Paul McBride, wishes to operate an indoor electric go-cart racing facility. The Applicant has negotiated a 10-year lease with the owner of the property at 71 Towne Drive to operate the prohibited use within the property. Included with the application (Attachment 1), the Applicant provided the attached narrative (Attachment 1) explaining the reasoning for the appeal.

PROPOSAL: The applicant wishes to propose an indoor electric go-cart racing facility on the subject property. Per Section IV. Development Plan, A. Land Uses, 6. Neighborhood Commercial – Prohibited Uses of the Belfair PUD, w. Go-Cart Racing Facilities are specifically prohibited.

The Town of Bluffton Director of Growth Management determined that the PUD does not differentiate between gas/electric or indoor/outdoor go-cart facilities and that no version of the use is allowed. The Applicant is requesting that the interpretation by the Director of Growth Management be reevaluated. The applicant argues that the PUD document is being interpreted as it was written more than 20 years ago prior to the advent of newer electric technologies related to go-kart racing. Furthermore, the applicant states that had the author of the PUD text been aware of such technology, they would have added clarity to the differences given the less detrimental impact of

electric vehicles on the environment and fewer associated nuisances as compared to gas-powered outdoor go-carting facilities (See Attachment 1).

BACKGROUND: On February 25, 2021, the Department of Growth Management provided the applicant with the determination that the proposed use of K-1 Speed franchise is not a permitted use for the former Steinmart location at 71 Towne Drive (See Attachment 4).

DIRECTOR OF GROWTH MANAGEMENT DETERMINATION: The Belfair PUD designated the subject property as part of the Neighborhood Commercial land use category as detailed in Section IV.A.6. which identifies permitted and prohibited uses. A Go-Cart Racing Facility is listed as a prohibited use. As such, the proposed K-1 Speed franchise is not a permitted use for the former Steinmart department store located at 71 Towne Drive or any other location in the Belfair PUD.

REVIEW CRITERIA & ANALYSIS: In assessing an application for an Administrative Appeal with the Belfair PUD, as granted by the powers and duties set forth in Section 2.2.6.D.1 of the Unified Development Ordinance & Section 7.8.1.5 – Powers and Duties of the Board of [Zoning] Appeals of the Zoning & Development Standards Ordinance 90/3 - the Board of Zoning Appeals shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Development Review [Committee] or the [Town of Bluffton Director of Growth Management] in the administration and enforcement of the Beaufort County Zoning and Development Standards Ordinance; and
- B. Render a decision upon hearing an appeal in accordance with the *Standard Codes* and other ordinances, as amended...

In exercising the above powers, the Board of [Zoning] Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify any decision, or determination of the Development Review [Committee] or the [Town of Bluffton Director of Growth Management] from whom the appeal is taken. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction.

FINDINGS OF FACT:

1. The subject property is zoned Neighborhood Commercial, in the Belfair Planned Unit Development.
2. Per Section IV. Development Plan, A. Land Uses, 6. Neighborhood Commercial – Prohibited Uses of the Belfair PUD, w. Go-Cart Racing Facilities are specifically prohibited.
3. The Town of Bluffton Director of Growth Management determined that the Planned Unit Development does not differentiate between gas/electric or indoor/outdoor go-cart facilities and that no version of the use is allowed.

4. The Applicant is proposing an indoor electric Go-Kart Racing Facility on the subject parcel, zoned Belfair PUD.
5. Section 7.2.A. of Beaufort County ZDSO 90/3 grants the power to prepare and publish rules relating to the administration of the ordinance to the Zoning and Development Manager. (Director of Growth Management)
6. Any person who may have a substantial interest in any decision by the Board may appeal from such decision to the Circuit Court in and for the County of Beaufort by filing with the Clerk of such Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

BOARD OF ZONING APPEALS ACTIONS: As granted by the powers and duties set forth in Section 2.2.6.D.1 of the Unified Development Ordinance and Zoning & Development Standards Ordinance 90/3, Section 7.8 (Appeals), the Board of Zoning Appeals has the authority to take the following actions with respect to this application:

1. Affirm the determination of the Director of Growth Management;
2. Reverse, wholly or in part, the determination of the Director of Growth Management [Also referred to as the Zoning and Development Manager].

ATTACHMENTS:

1. Application & Narrative
2. Location Map
3. Belfair PUD Text
4. Zoning Determination Letter

**TOWN OF BLUFFTON
BOARD OF ZONING APPEALS APPLICATION**

Growth Management Customer Service Center
20 Bridge Street
Bluffton, SC 29910
(843) 706-4522
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

| Applicant | | Property Owner | |
|---|--|---|---|
| Name: NLM Services, LLC (Paul McBride) | | Name: BRI Mariner Belfair II, LLC | |
| Phone: 843-684-1492 K-1 Speed Bluffton | | Phone: Managed by Brixmor REIT | |
| Mailing Address: 20 Towne Drive #395 Bluffton SC 29910 | | Mailing Address: 500 East Broward BLVD Suite 1130 Ft lauderdale FI 33394 | |
| E-mail: paul@seacastlebuilders.com | | E-mail: suzanne.williams@brixmor.com | |
| Town Business License # (if applicable): | | | |
| Project Information | | | |
| Project Name: K-1 Speed Bluffton | | <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Special Exception |
| Project Location: 71 Towne Drive | | <input checked="" type="checkbox"/> Appeal from Action of the UDO Administrator | |
| Zoning District: Belfair PUD | | Acreage: | |
| Tax Map Number(s): R610 031 000 0785 0000 | | | |
| Project Description: Upscale Entertainment of indoor Electric Go-Kart facility/ food / Corporate teambuilding / parties Zero visibility and Zero noise to adjacent tenants. | | | |
| Request: Please see attached document for response | | | |
| Minimum Requirements for Submittal | | | |
| <input type="checkbox"/> 1. Two (2) paper copies and digital files of applicable plans and/or documents depicting the subject property. | | | |
| <input type="checkbox"/> 2. Project Narrative and digital file describing reason for application and compliance with the criteria in Article 3 of the UDO, as applicable. | | | |
| <input type="checkbox"/> 3. A Completed Supplemental Form 1 For an appeal from action of the UDO Administrator. | | | |
| <input type="checkbox"/> 4. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton. | | | |
| Notes: | ■ A Pre-Application Meeting is required prior to Application submittal. ■ Applications for an Appeal from Action of the UDO Administrator submitted by anyone who is not the property owner do not require property owner's signature on this application form. | | |
| Disclaimer: | The Town of Bluffton assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit. | | |
| I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected. | | | |
| Property Owner Signature: | | Date: | |
| Applicant Signature: <i>Paul McBride</i> | | Date: 3-4-21 | |
| For Office Use | | | |
| Application Number: | | Date Received: | |
| Received By: | | Date Approved: | |

Supplemental Form 1
Appeal from Action of Unified Development Ordinance Administrator
Board of Zoning Appeals

1. Interest: ☐ Owner(s) ☐ Adjacent Property Owner(s) ☒ Other (please describe):

New proposed use in previously occupied Steinmart space in Belfair Towne Village (71) Zoning of go kart use was denied in letter date from Heather Colin citing the original text language of the Belfair PUD

2. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Unified Development Ordinance (UDO) Administrator affecting the property described in the Board of Zoning Appeals Application form on the grounds that:

mpact than the previous tenant at 1 car per 1,000 sq ft of space.

- ☐ granting ☐ denial of an application for a permit to operate K-1 speed franchise was erroneous and
 T contrary to zoning provisions of UDO Section Belfair PUD page 48; or other action or decision of the
 UDO Administrator was erroneous as follows:

UDO admin interpreted PUD literally as written 20 plus years ago, even though the original PUD author was limited at that time written. The original PUD author would have addressed in its text, to clarify the differences of electric vehicles and gas powered. Because the original authors were not aware of electric technology and positive environmental impacts EV technology promotes the PUD should leave room for current day technology and conditions.

3. Applicant is aggrieved by the action or decision in that:

Applicant has secured franchise (K-1Speed) and has negotiated with landlord for 71 Towne Dr to enter into a ten year lease and zoning prohibited use to operate in that location.

4. Applicant contends that the correct interpretation of the UDO as applied to the property is:

Please refer to attached document for response.

5. Applicant requests the following relief:

We request to permit indoor electric go kart use as it doesn't impact the PUD other than in text for 71 Towne Drive inside 100% contained within walls, and any outside, gas engine go karts remain prohibited as per the original intent of the Belfair PUD authors.

Paul McBride

Applicant Signature

3-4-21

Date

BOARD of ZONING APPEAL Addendum
 NLM Services, LLC
 71 Towne Drive

Request :

We are appealing the UDO Administrator decision in letter dated Feb 25, 2021 that denied our proposed use at 71 Towne Drive to operate a go kart facility in the Belfair PUD. We are requesting that we be permitted to operate electric go kart facility inside 71 Towne Center with no visibility, or noise impacting the public and surrounding areas.
 **This request is supported by Brixmor (management REIT for Belfair Town Village).

Applicant contends correct interpretation is.

The Original PUD written was prior to electric go kart technology and the intent was to:

- A) Protect the aesthetic integrity of the 278 corridor and ensure all uses were not offensive to the overall design vision. (Roller coaster / water slide / salvage yards etc.
- B) To ensure that any future permitted uses did not operate loudly a be a noise nuisance (combustible engines) to the public, residential portion of the Belfair PUD (Belfair Plantation) and the adjacent commercial tenants.
- C) That the approved uses within the Belfair PUD did not allow Hi impact / traffic use close to residential.

NLM Services LLC, proposed use of operating an indoor electric go kart facility does not conflict with the intent of the the Blefair PUD written 20 Plus years ago when the Electric vehicle (automobiles / go kart) technology did not exist.

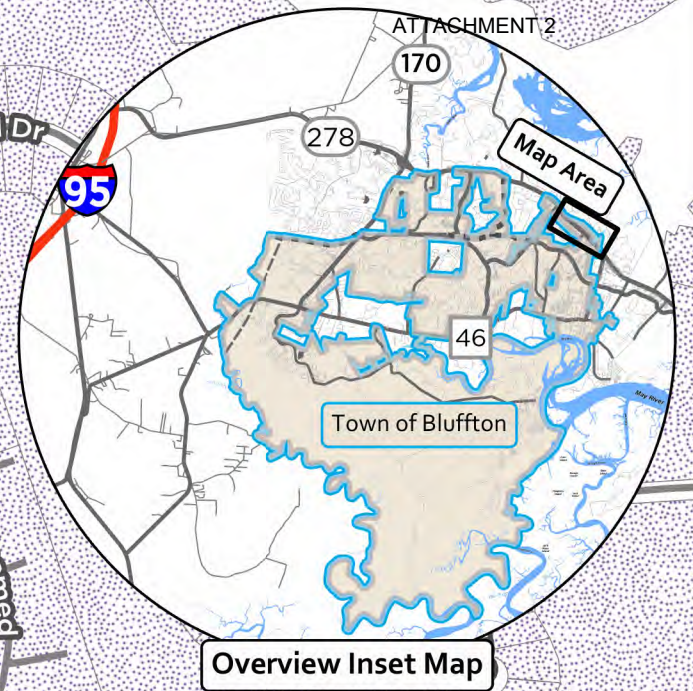
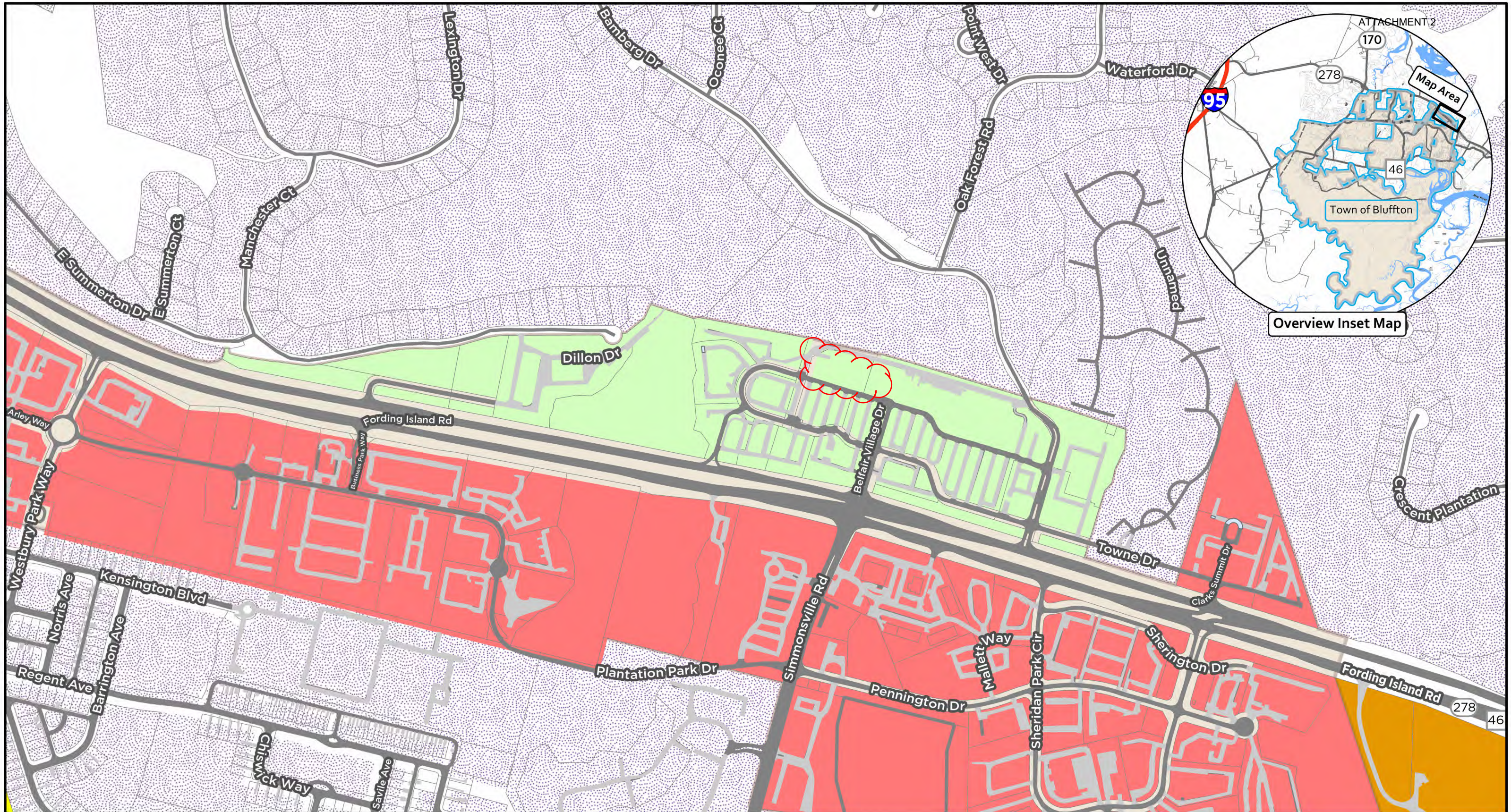
The text language crafted by the Belfair PUD authors does not differentiate between inside vs outside or gas vs electric go karts. Simply the authors could not clarify the nuances and impacts of different go kart technology that did not exist at the time of drafting PUD language. Simply the authors had to be referencing outside go kart facilities and gas engines because you could not allow gas engines inside for life safety reasons.

Our Proposed use of indoor electric go kart facility

- A) with respect to ensuring aesthetic beauty of 278 corridor is in tact our proposed use is not visible outside the proposed building space (identical to previous tenant Steinmart
- B) Electric carts no noise and zero noise impact to public, surrounding residential and tenants (identical to previous tenant Steimart)
- C) K-1 Speed franchise uses only 1 space per 1,000 sq ft. (*BETTER* than previous tenant Steinmart, less traffic impact and less parking spaces required)

- D) Electric vehicle technology is a technology that is quickly becoming the new norm for the environment with respect to zero emissions and noise. This is a perfect example of and opportunity to embrace technology that embraces environmental improvement and working towards moving Bluffton into the future responsibly for generations to come.
- E) The PUDs when written must allow room for future UDO administrators to be able to apply the spirit and intent towards future, especially when the language no longer is current with existing technology and environmental standards.
- F) The PUD was drafted prior to any of the commercial construction (buildings currently built) The aesthetic requirement of the PUD was written primarily for the pending development of Belfair Towne Village and know that it is built out (current buildings on all available parcels) the PUD portion that references go kart facilities is less critical with respect to 278 corridor aesthetics.

We support the language to prohibit gas powered and outside go kart facilities remain in the PUD language to keep the intent and spirit of the original authors intact.



Bluffton Zoning Districts

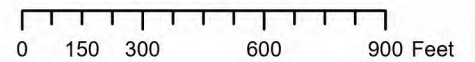
- General Mixed Use
- Planned Unit Development

Beaufort County Zoning

- Existing Planned Unit Development
- Neighborhood Mixed-Use
- Regional Center Mixed-Use

TOWN OF BLUFFTON - BEAUFORT COUNTY - SOUTH CAROLINA

BELFAIR PUD APPEAL



Ryan J. Coleman, GISP
Date: 3/30/2021

B E L F A I R P U D

anticipated by the original Beaufort County Zoning Map.

Permitted Uses:

- a. General and Professional Offices-including Medical and Health Services
- b. General Retail, Service Business, and Shopping Centers unless specifically prohibited under Prohibited Uses, below
- c. Uses allowed in a Neighborhood Commercial District and Development District under current *Beaufort County Zoning and Development Standards Ordinance*, both by right and Conditional uses, unless specifically prohibited under *Prohibited Uses*, below
- d. The Other Requirement, Section 4.11.5 of the *Beaufort County Zoning and Development Standards Ordinance* shall apply to all Commercial Development within the Neighborhood Commercial Area
- e. All Uses in 1., Single Family Residential (SF)
- f. All Uses in 2., Multi-Family Residential (MF)
- g. All Uses in 3., Golf Courses (GC)

Prohibited Uses:

The following Commercial Uses, which are presently allowed under *Beaufort County Zoning and Development Standards Ordinance*, within Neighborhood Commercial or General Commercial Districts, are specifically prohibited:

- a. ~~Telecommunications Tower~~
- b. Telegraph Offices
- c. Telephone Exchange
- d. Publicly Owned and Operated Building
- e. Club, Lodge, Union Hall or Social Center
- f. Off-Street Commercial Parking Garage
- g. Public Utility Installations or Sub-Installations Including Water Towers
- h. Motion Picture Studio
- i. Wooden Assembly Companies
- j. Electronic Assembly Companies
- k. Automobile Garage-Repair and Service ✓
- l. Newspaper Publishing Plant
- m. Automobile Carwash ✓
- n. Laundry or Washateria (Except as Related to Guest Laundry Services)

B E L F A I R P U D

- o. Animal Hospital, Clinic or Kennel
- p. Junk Yard or Auto Salvage Yards
- q. Solid Waste Transfer Facilities or Recycle Centers
- r. Automobile Service Station ✓
- s. Horse Riding School and/or Training Facility
- t. Mini-Warehouses
- u. Recreational Vehicle Park or Camping Facility
- v. Miniature Golf
- w. Go-Cart Racing Facility
- x. Water slide and Wave Pools
- y. Roller Coaster

7. Maintenance/Secondary Entrance (M/SE)

Maintenance/Secondary Entrance will house the facilities compatible with and necessary to maintain the common properties and golf courses.

Permitted Uses:

- a. Vehicle Maintenance
- b. Storage of Vehicles and Parts, Boats, Recreational Vehicles, and Resident Storage Units
- c. Fuel Storage
- d. Shops for Woodwork, Metalwork and Painting for Maintenance of Community, Greenhouses and Pump Station
- e. Offices Associated with Community and Golf Maintenance
- f. Storage of Chemicals and Bulk Materials
- g. All Uses in 1. Single Family Residential (SF)

8. Wetlands

Freshwater wetlands on the property have been delineated, surveyed and verified. The use of these lands is controlled by the U.S. Army Corps of Engineers and South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Management Resource and unless restricted via memorandum of Agreement to the contrary, the following are Permitted Uses:

- a. Open Space
- b. Conservation Easements
- c. Activities in all Areas as Permitted by U.S. Army Corps of Engineers

Lisa Sulka
Mayor
Fred Hamilton
Mayor Pro Tempore
Scott Marshall
Interim Town Manager



Council Members
Larry Toomer
Dan Wood
Bridgette Frazier
Kimberly Chapman
Town Clerk

February 25, 2021

Paul McBride
paul@goodbyedirtycar.com

SENT ELECTRONICALLY

Re: Zoning Determination for K-1 Speed (Indoor Go-Kart Facility) Belfair PUD

Mr. McBride,

As of today, this letter verifies that the property identified as Beaufort County Tax Map Number R610 031 000 0785 0000 (71 Towne Drive) owned by Bre Mariner Belfair II, LLC, is zoned Belfair Planned Unit Development (PUD). Per your request, dated February 23, 2021 via email, you requested the following zoning determination.

"It was great to speak with you earlier. We have placed an LOI for the old Steinmart space in Belfair town village.

We have also signed a franchise agreement with K-1 speed. They have close to 60 units it is a high end indoor electric go cart so noise is bit a factor. It would be considered entertainment use. It will serve food, no good required

If you need car counts based on projections I can provide but the k-1 speed franchise real estate company has spoken with Brixmor the management company and based on size and average franchise location use we are well under amount of parking spots available

If you would please confirm entertainment use is permitted.

I understand the next step would be to meet with Richard Spruce about code and life safety requirements for the site and our proposed use."

The Belfair PUD designates the subject property as part of the Neighborhood Commercial land use category as detailed in Section IV.A.6, a copy of which enclosed for reference, which identifies permitted and prohibited uses. A go-cart racing facility is listed as a prohibited use. As such, we determine that the proposed K-1 Speed franchise is not a permitted use for the former Steinmart location located at 71 Towne Drive.

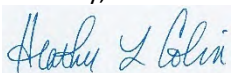
Should you disagree with the decision of the UDO Administrator, you have 10 days from the date of this letter to appeal the decision to the Town of Bluffton Board of Zoning Appeals.

Lastly, the property may be subject to deed restrictions, easements, agreements, restrictive covenants, and/or other recorded documents, which may be discovered through a title search, that are not addressed or confirmed by the Town in this letter.

Theodore D. Washington Municipal Building
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910
Telephone (843) 706-4500 Fax (843) 757-6720
www.townofbluffton.sc.gov

If you have any questions, comments, or I can be of further assistance, please contact me at (843) 540-6956, hcolin@townofbluffton.com

Sincerely,

A handwritten signature in blue ink that reads "Heather L. Colin". The signature is written in a cursive, flowing style.

Heather L. Colin, AICP
Director of Growth Management

Enclosure (1)

B E L F A I R P U D

IV. DEVELOPMENT PLAN

Belfair Plantation L. L. C. proposes one thousand four hundred ninety-two (1492) units on the one thousand twenty-eight (1,028) acre site. The project will be developed in accordance with the Master Plan (Belfair PUD) prepared by Edward Pinckney/Associates, Ltd., and shown in Exhibit E. In addition to residential uses, there will be community recreational, neighborhood commercial, golf courses, and maintenance uses as will be described in greater detail hereinafter. The overall density is approximately 1.4 units per acre. The proposed density is less than the 3.0 units per acre currently allowed under the existing approved PUD (See Exhibit D).

The density, distribution of units and unit count does not limit the rights of the applicant to acquire additional land and expand the boundaries of the Belfair PUD, and thus increase the total number of dwelling units. Potential expansion may require rezoning approval and will be processed accordingly. However, future expansions will not affect the unit count and density approved by this application.

BELFAIR PUD

B E L F A I R P U D

A. LAND USES

The following land use categories as designated on the master plan, shall have the following allowed permitted uses and development parameters.

1. Single Family Residential (SF)

The designation allows for the construction of single family units both detached and attached. The units will be developed in accordance with the Community Covenants and Restrictions (CCR's).

Permitted Uses:

- a. Dwelling Units
 - (1) Detached Single Family
 - (a) Minimum lot size - 5,000 square feet for detached single family units
 - (2) Attached Single Family
 - (a) Minimum lot size - 3,000 square feet for attached units
- b. Accessory Buildings, Private Swimming Pools, and Home Occupations if allowed under private covenants
- c. Model Homes/Sales and Development Office
- d. Open Space
 - (1) Landscape Areas
 - (2) Lagoons, Ponds, Impoundments and Lakes
 - (3) Freshwater Wetlands and Buffers
 - (4) Wildlife Preserves & Buffers
 - (5) Conservation Easements
 - (6) Garden Plots
 - (7) Recreational Areas
- e. Temporary Construction Facilities
 - (1) Storage
 - (2) Staging
 - (3) Disposal Yards
 - (4) Construction Signs
 - (5) Office
 - (6) Office Trailers
- f. Utilities, including but not limited to, Power, Telephone, Water, Sewer, Drainage Lagoon, and Telecommunications
- g. Community Roads
- h. All Uses in 3. Golf Courses (GC)

B E L F A I R P U D

i. All Uses in 4. Community Recreational Facilities (CRF)

2. Multi-Family Residential (MF)

The designation allows for the construction of multi-family dwelling unit that will be designed and built in accordance with the Community Covenants and Restrictions (CCR's).

Permitted Uses:

- a. Multi-Family Not To Exceed 722 total units and not to exceed 16 units per net acre
- b. All Uses in 1. - Single Family Residential
- c. All Uses in 5. - Sales Center/Community Entrance

3. Golf Courses (GC)

This designation provides for the construction of golf courses in the community.

Permitted Uses:

- a. Regulation, Full Length Golf Course
- b. Executive Golf Course
- c. Golf Cart Storage and Maintenance (Golf and Community) Facilities
- d. Special Event Areas
 - (1) Temporary Parking
 - (2) Temporary or Permanent Outdoor Tents
- e. All Uses in 1. Single Family Residential (SF)
- f. Restrooms
- g. Rain Shelters
- h. Halfway Houses
- i. Golf Learning Center Facilities
- j. Tournament Boards and Facilities
- k. Television Camera Towers
- l. Other Facilities or Equipment Necessary to Stage a Televised Golf Event
- m. Irrigation Equipment and Buildings

4. Community Recreation Facilities (CRF)

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This use provides for central recreation complexes to serve the community. These facilities may have indoor recreation, meeting, banquet, fitness and hobby space. These facilities may be built in a complex of multiple buildings over the life of the development. Outdoor Recreational Facilities may include golf courses, golf driving ranges, pools, tennis courts, croquet courts, lawn bowling, parks, playgrounds, trails & paths and other recreational uses.

Permitted Uses:

- a. Recreational Buildings
- b. Accessory Buildings
- c. Community Offices
- d. Outdoor Recreation Facilities
- e. Maintenance and Storage Facilities
- f. Commercial Uses Associated with:
 - (1) Club Houses, Locker Rooms, Proshops
 - (2) Snack Bar/Grill
 - (3) Convenience Goods for Residents and Guests
- g. Lighted Outdoor Recreation Facilities
- h. Mail Deposit and Pickup Facility
- i. All Uses in 1. Single Family Residential

5. Community Entrance/Sales Center (CE/SC)

This Community Entrance/Sales Center will house a major entrance to the community, the Sales offices and related services. In order to provide flexibility for the Community, in the future, this area may include office facilities.

Permitted Uses:

- a. Sales, Professional and Financial Services Offices
- b. Model Homes
- c. All Uses in 1. Single Family Residential (SF)

6. Neighborhood Commercial (NC)

The Neighborhood Commercial area allows for the development of a limited use commercial area to provide essential services to residents and to function as part of a commercial node for the general public as

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anticipated by the original Beaufort County Zoning Map.

Permitted Uses:

- a. General and Professional Offices-including Medical and Health Services
- b. General Retail, Service Business, and Shopping Centers unless specifically prohibited under Prohibited Uses, below
- c. Uses allowed in a Neighborhood Commercial District and Development District under current *Beaufort County Zoning and Development Standards Ordinance*, both by right and Conditional uses, unless specifically prohibited under *Prohibited Uses*, below
- d. The Other Requirement, Section 4.11.5 of the *Beaufort County Zoning and Development Standards Ordinance* shall apply to all Commercial Development within the Neighborhood Commercial Area
- e. All Uses in 1., Single Family Residential (SF)
- f. All Uses in 2., Multi-Family Residential (MF)
- g. All Uses in 3., Golf Courses (GC)

Prohibited Uses:

The following Commercial Uses, which are presently allowed under *Beaufort County Zoning and Development Standards Ordinance*, within Neighborhood Commercial or General Commercial Districts, are specifically prohibited:

- a. ~~Telecommunications Tower~~
- b. Telegraph Offices
- c. Telephone Exchange
- d. Publicly Owned and Operated Building
- e. Club, Lodge, Union Hall or Social Center
- f. Off-Street Commercial Parking Garage
- g. Public Utility Installations or Sub-Installations Including Water Towers
- h. Motion Picture Studio
- i. Wooden Assembly Companies
- j. Electronic Assembly Companies
- k. Automobile Garage-Repair and Service ✓
- l. Newspaper Publishing Plant
- m. Automobile Carwash ✓
- n. Laundry or Washateria (Except as Related to Guest Laundry Services)

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- o. Animal Hospital, Clinic or Kennel
- p. Junk Yard or Auto Salvage Yards
- q. Solid Waste Transfer Facilities or Recycle Centers
- r. Automobile Service Station ✓
- s. Horse Riding School and/or Training Facility
- t. Mini-Warehouses
- u. Recreational Vehicle Park or Camping Facility
- v. Miniature Golf
- w. Go-Cart Racing Facility
- x. Water slide and Wave Pools
- y. Roller Coaster

7. Maintenance/Secondary Entrance (M/SE)

Maintenance/Secondary Entrance will house the facilities compatible with and necessary to maintain the common properties and golf courses.

Permitted Uses:

- a. Vehicle Maintenance
- b. Storage of Vehicles and Parts, Boats, Recreational Vehicles, and Resident Storage Units
- c. Fuel Storage
- d. Shops for Woodwork, Metalwork and Painting for Maintenance of Community, Greenhouses and Pump Station
- e. Offices Associated with Community and Golf Maintenance
- f. Storage of Chemicals and Bulk Materials
- g. All Uses in 1. Single Family Residential (SF)

8. Wetlands

Freshwater wetlands on the property have been delineated, surveyed and verified. The use of these lands is controlled by the U.S. Army Corps of Engineers and South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Management Resource and unless restricted via memorandum of Agreement to the contrary, the following are Permitted Uses:

- a. Open Space
- b. Conservation Easements
- c. Activities in all Areas as Permitted by U.S. Army Corps of Engineers

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and South Carolina Department of Health & Environmental Control,
Office of Ocean and Coastal Management Resource.

- d. Disposal of Reclaimed Water as Permitted by SCDHEC
- e. Boardwalks and Golf Cart Bridges
- f. Stormwater Control and Disposal

9. Roads

Collector roads will provide access to all parts of the project.

Permitted Uses:

- a. Roads for Access
- b. All Uses in 1. Single Family Residential (SF)

10. Open Space and Buffers

Adequate open space is required for developments in Beaufort County. Open space in the Belfair PUD as with other PUD's, will be calculated for the boundary of the PUD and not site specific for each phase of the PUD. The open space requirement for the area covered by this application is shown below:

| | | |
|---------------------------------|-------------------|----------|
| Single Family Residential | 314 acres x 10% = | 31 acres |
| Multi-Family Residential | 33 acres x 30% = | 10 acres |
| Recreation, Sales Centers, Club | 29 acres x 15% = | 4 acres |
| Neighborhood Commercial | 50 acres x 15% = | 8 acres |
| Maintenance | 18 acres x 15% = | 3 acres |
| Total Requirement = | | 56 acres |

The Belfair Conceptual Master Plan calls for approximately 500 acres of open space in conserved wetlands, lakes, utility easements, golf course and buffers. This does not include landscaped areas within developed parcels which will add considerably to the open space. Therefore, the Belfair PUD more than meets the *Beaufort County Zoning and Development Standards Ordinance* open space requirements

11. Setbacks and Buffers

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Setbacks and Buffers will meet or exceed the requirements of the *Beaufort County Zoning and Development Standards Ordinance* or as modified herein. All setback and buffers shall apply to the perimeter of the PUD only.